

Frequently Asked Questions:

Where do I go to apply for a LDP?

Application forms are available at the Department of Community Development, 29 Ashby Street, Suite 310, Warrenton, VA 20186 or online at www.fauquiercounty.gov on the Community Development web page.

I plan on clearing several acres for a future winery. Does a winery qualify as an agricultural exemption?

The agricultural exemption only applies to agricultural activities (tilling, planting, harvesting, etc.), not agricultural buildings and/or roads. Contact the Environmental Division at 540-422-8240 to further discuss your options.

My neighbor appears to be clearing a lot of land, but I don't think he/she has a permit. What can I do?

Contact the Environmental Division at 540-422-8240. We will research your claim and, if necessary, issue a stop work order to the offender.

I want to remove trees on my property. Does this require a LDP?

It depends. If you plan to remove the trees and leave the stumps, please contact the Virginia Department of Forestry at 434-977-5193 for permit requirements. If you plan on removing the stumps and grading the area, please contact the Environmental Division at 540-422-8240.

I plan on building a house in the future, but I'm not ready to apply for a building permit. What do I do?

You may apply for a LDP with submission of an E&S plan for your property prior to start of building construction. Please contact the Environmental Division at 540-422-8240 prior to any land disturbance to discuss your best option.



FAUQUIER COUNTY

Department of Community Development
Environmental Division

29 Ashby Street
Suite 310
Warrenton, VA 20186

Phone: 540-422-8240
Fax: 540-422-8201

Additional information available online at:
www.fauquiercounty.gov

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LAND DISTURBING PERMITS



Source: Jason Coleman

FAUQUIER COUNTY
Department of Community
Development
Environmental Division

Land Disturbing Permits (LDP):

Chapter 11 of the Fauquier County Code, as codified in Section 2-208 of the Design Standards Manual (DSM), requires that a land disturbing permit be secured in advance of disturbing more than 10,000 square feet on a property.



Source: VDOT

For the purposes of this requirement, activities that are considered land disturbing include but are not limited to:

- Grading (excavating & filling)
- Clearing
- Removing vegetation
- Stockpiling
- Removing earth or topsoil
- Dredging

Note: a zoning permit is required for all grading activities

LDP as Part of a Site Plan or Construction Plan:

Land Disturbing Permits require approval of an Erosion and Sediment Control Plan. In cases where the LDP is being sought for a County approved project, such as a Major Site Plan or Construction Plan, a specific Erosion and Sediment Control Plan should have been reviewed and approved as part of that Plan process. In such cases, the application for the LDP does not require preparation of a separate plan. The application for a LDP should be submitted in conjunction with the bonding documents for the Site Plan or Construction Plan.

LDP with submission of E&S Plan:

In all other cases, an Erosion and Sediment Control Plan must be submitted for approval as part of the LDP Permit application.

LDP for a Single Family Home:

Construction of a single family home (SFH) requires approval of a Land Disturbing Permit prior to issuance of a zoning/building permit for the home, if more than 10,000 square feet is to be disturbed. The 10,000 square feet of disturbance includes areas being cleared for a septic system and for any entrance or driveway. For single family homes being constructed outside of a subdivision, the law allows an LDP with an Agreement in Lieu of a Plan, wherein the property owner agrees as part of the permit application to meet the minimum standards for erosion and sediment control as set forth in the Virginia Code. In some circumstances, such as construction on steep slopes or near a live watercourse, the Agreement in Lieu of a Plan option may not be available. This will be determined on a case-by-case basis by a member of the Environmental Division.

Exemptions:

Chapter 11 of the Fauquier County Code, as found in Section 208.4, provides certain exemptions to the requirements of a Land Disturbing Permit. The most common exemption is for agricultural, horticultural or forestal activity (not including activity for agricultural buildings and/or roads). If all criteria are met for the LDP exemption, the property owner needs to sign an affidavit, verifying that the land disturbing activities fall within the group of activities listed in Section 10.1-560 of the Code of Virginia, as well as granting right-of-entry to the project property to Fauquier County for purposes of inspection, monitoring and verification of the project description.



Source: John Athayde